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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 18 (LOUISIANA) 700 MHZ REGIONAL PLAN

PS Docket No. 06-229; WT Docket No. 02-378

Introduction. On August 21, 2008, the Region 18 (Louisiana)¹ 700 MHz Regional Planning Committee (RPC) (Region 18) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ For the reasons discussed below, we approve the Region 18 700 MHz Plan.

Background. In 1998, the Federal Communications Commission (Commission) established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.⁴ There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.⁵ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans), or rejecting them with an explanation.⁶

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz

¹ The Region 18 (Louisiana) 700 MHz regional planning area includes the entire state of Louisiana.

² The General Use spectrum is administered by RPCs and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

³ See Letter from William Vincent, Chairman, Region 18, to Federal Communications Commission, WT Docket No. 02-378 (filed Aug. 21, 2008) (submitting regional plan).

⁴ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000). See also 47 C.F.R. § 90.527.

⁵ See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁷ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety

band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.¹³ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix G – Region 18 Channel Allotments at 93-106 (specifying allotments by parish which is the geographical/political boundaries of a given parish, plus a distance of up to 10 miles outside of the parish). The table of allotments was developed using the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center). The CAPRAD system is available at <http://caprad.nlectc.du.edu>.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

Review of the Region 18 700 MHz Plan. Region 18 convened its first meeting on August 31, 2001,¹⁶ wherein it elected its chairman and vice-chairman. The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ an outreach notification process,¹⁹ and meeting minutes.²⁰ The Plan describes the procedures for requesting spectrum allotments,²¹ and outlines generally system implementation criteria and spectrum utilization.²² The Plan explains efficiency requirements, discusses the use of inter-operability channels and includes a list of all talk groups for operation in the statewide P25 700 MHz system.²³ In addition, the Plan provides low power channel usage guidelines,²⁴ addresses the continued usage of the CAPRAD system, future spectrum planning, and plan modification.²⁵ The Plan was adopted by its members on January 24, 2008,²⁶ and the Region 18 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁷

The Region 18 Plan pre-allocates the consolidated narrowband General Use spectrum by parish.²⁸ The Plan was coordinated with all four adjacent regions to Region 18: Region 4 (Arkansas), Region 23 (Mississippi), Region 40 (Texas-Central and Northeast), and Region 51 (Texas-Houston).²⁹

On January 16, 2009, the Bureau released a *Public Notice* seeking comment on the Region 18 Plan.³⁰ We received no comments on the plan. Based on our review of the plan, we conclude that it

¹⁶ See Plan, Section 2.2 Notification Process at 7-8.

¹⁷ See Plan, Appendix A – By-laws of the Region 18 700 MHz Regional Planning Committee at 33-36.

¹⁸ See Plan, Appendix B – Region 18 700 MHz Planning Committee Members at 37-39.

¹⁹ See Plan, Section 2.2 – Operations of the RPC at 22-24.

²⁰ See Plan, Appendix D Meetings: List of Attendees, Public Notices and Proceedings at 41-74 (copies of attendance records and meeting announcements and summaries).

²¹ See Plan, Section 3.2 – Procedure for Requesting Spectrum Allotments at 9-11 (requests will be handled on a first-come, first-served basis, and applications will be evaluated using the Pre-Assignment Rules/Recommendations listed in Appendix F).

²² See Plan, Section 6.0 – System Design/Efficiency Requirements (includes interference protection criteria, efficiency standards, channel loading, orphaned channels and system implementation).

²³ See Plan, Section 7.0 – Interoperability Channels at 20 (noting that all mobile and portable units operating under the Plan and utilizing 700 MHz channels, must be programmed for the interoperability channels as specified in the State of Louisiana GOSHEP Interoperable Channels and Talkgroups Policy which requires that all 700 subscriber units be equipped to operate on all of the NPSPAC conventional mutual aid channels).

²⁴ See Plan, Section 3.4 – Low Power Analog Eligible Channels at 31-33.

²⁵ See Plan, Section 8.0 – Future Planning at 31 (Region 18 will continue to utilize the CAPRAD data. Plan amendments will be made at RPC meetings and voted on by simple majority).

²⁶ See Plan, Appendix D Meetings: List of Attendees, Public Notices and Proceedings at 73-74 (January 24, 2008 meeting summary).

²⁷ See Plan, Certification at 31.

²⁸ See Plan, Appendix G – Region 18 Louisiana Channel Allotments at 93-106; Plan, Appendix I – Channel Numbers and Channel Center Frequencies Narrowband Segments of the 769-775 and 799-805 MHz bands at 128-159.

²⁹ See Plan, Appendix H – Inter-Regional Coordination Procedures and Dispute Resolution Agreements (we note that letters of concurrence from each adjacent region are included in this appendix) at 107-125.

complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 18 (Louisiana) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 18 (Louisiana) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 377 (PSHSB 2008). Comments were due February 5, 2009, and reply comments were due February 17, 2009.